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APPLICATION NO	. I	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,197	03/27/2001		Naoya Hayamizu	04329.2558 9083	
22852	7590	04/20/2004		EXAMINER	
FINNEG	AN, HENI	DERSON, FARAB	MARKOFF, ALEXANDER		
LLP	•			APTIBUT	DADED NUMBER
1300 I STI	REET, NW		ART UNIT	PAPER NUMBER	
WASHING	TON. DO	20005	1746		

DATE MAILED: 04/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		1\:					
	Application No.	Applicant(s)					
	09/817,197	HAYAMIZU, NAOYA					
Office Action Summary	Examiner	Art Unit					
	Alexander Markoff	1746					
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the c	correspondence address					
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reg- If NO period for reply is specified above, the maximum statutory period  - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailine earned patent term adjustment. See 37 CFR 1.704(b).  Status	,	nely filed  s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).					
· · · · · · · · · · · · · · · · · · ·	Responsive to communication(s) filed on <u>03 February 2004</u> .						
,	is action is non-final.	occupios os to the media.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
4) Claim(s) 1-10,12-18 and 20-42 is/are pending 4a) Of the above claim(s) 13-18 and 21-23 is/s 5) Claim(s) is/are allowed. 6) Claim(s) 1-10, 12, 20 and 24-42 is/are rejected for claim(s) is/are objected to. 8) Claim(s) are subject to restriction and/s	are withdrawn from consideration.						
Application Papers							
9) The specification is objected to by the Examiner.							
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Applicant may not request that any objection to the Replacement drawing sheet(s) including the corre		· ·					
11) The oath or declaration is objected to by the E							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreig	n priority under 35 H S C & 110/a	n)-(d) or (f)					
a) All b) Some * c) None of:  1. Certified copies of the priority documer  2. Certified copies of the priority documer  3. Copies of the certified copies of the pri  application from the International Bures	nts have been received. nts have been received in Applicat ority documents have been receiv	ion No					
* See the attached detailed Office action for a lis	* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)	. □	· (DTO 442)					
Notice of References Cited (PTO-892)     Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) LInterview Summan Paper No(s)/Mail D						
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	I	Patent Application (PTO-152)					

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### **DETAILED ACTION**

### Claim Rejections - 35 USC § 102

- 1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 2. Claims 1-10, 12, 20, and 24-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Puskas (US 6,313,565).

Puskas teaches a method as claimed. See entire the reference, especially columns 3-7, 9, and 13-14 and Figures 6, 8b, 8c.

## Response to Arguments

3. Applicant's arguments filed 02/03/04 have been fully considered but they are not persuasive. The applicants amended the claims to recite periodical application of the wave having a single oscillation frequency and argue that Puskas does not teach such application.

This is not persuasive because Puskas teach such concept. See cited part of the document, especially columns 4-6 and Fig. 6. It is noted that the claims are written using the language "comprising" and thereby do not exclude application of any other waves.

As to the claims requiring two different waves the applicants argue that Puskas does not teach such application. This is not persuasive because in contrast to the applicants' arguments the document teaches such concept. See the cited parts of the reference, especially columns 4-6, Fig. 6 and Figs 8a-b. As to the argument that Puskas does not teach reducing the vibration of the object: this is not persuasive, because

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Puskas teaches that application of different waves reduces the intense cavitation region. See at least column 13, lines 29-34. Since the intense of the cavitation is reduced the vibration would also be reduced.

It appears that the applicants' arguments are more specific than the claims. If the applicants would like to discuss the teaching of the prior art and the claims with the examiner a request for the interview would be granted.

#### Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 571-272-1304. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alexander Markoff Primary Examiner Art Unit 1746

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ALEXANDER MARKOFF PRIMARY EXAMINER